

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLIE JOE CHAPMAN,)	CASE NO. 4:07CV3081
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MICHEAL HOUSTON, Director,)	
(N.D.C.S.), et. al.,)	
)	
Defendants.)	

On March 27, 2007, the plaintiff, an inmate at the Nebraska State Penitentiary, filed a pro se action in this court. (Filing No. 1.) He requested and was granted leave to proceed in forma pauperis. (Filing No. 8.) Though ordered to pay the court's \$350.00 filing fee in monthly installments, with the initial payment due on May 21, 2007, (see Filing No. 8), the plaintiff has made no payment toward the filing fee. As explained in the court's prior order, "the PLRA makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal." In re Tyler, 110 F.3d 528, 529-30 (8th Cir. 1997); Jackson v. N.P. Dodge Realty Co., 173 F. Supp.2d 951 (D. Neb. 2001). See Filing No. 8.

On May 29, 2007, the plaintiff filed a motion for voluntary dismissal. (Filing No. 9.) The body of that motion states the plaintiff filed a bankruptcy proceeding. The Clerk of the Bankruptcy Court for the District of Nebraska has confirmed that plaintiff's petition for Chapter 7 bankruptcy relief was filed on April 17, 2007, in the United States Bankruptcy Court for the District of Nebraska as case number 07-40736.

IT IS ORDERED:

1. This case is referred to the United States Bankruptcy Court for the District of Nebraska;
2. In addition to the requirements of Nebraska General Rule 1.5(a)(1), the bankruptcy court shall file a report and recommendation which addresses whether the plaintiff should remain obligated to pay his \$350.00 filing fee for filing this action;
3. This case shall be terminated for statistical purposes by the Clerk of the United States District Court for the District of Nebraska; and

4. The Clerk of the United States District Court for the District of Nebraska shall deliver the court file to the Clerk of the Bankruptcy Court for the District of Nebraska.

DATED this 16th day of July, 2007.

BY THE COURT

s/Laurie Smith Camp
United States District Judge